IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

OP.No. 4213 of 1999(B)

PETITIONERS:
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1) **MANOJ, S/O.KAITHAKKAT PRABHAKARAN,**
LOKAMALLESWARAM VILLAGE,
KODUNGALLUR.

2) **SAJITH, S/O.KAITHAKKAT PRABHAKARAN,**
LOKAMALLESWARAM VILLAGE,
KODUNGALLUR.

3) **A.REGHUNATHAN, THAZHATHUVEETTIL,**
LOKAMALLESWARAM VILLAGE,
KODUNGALLUR.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.K.P.RENJINI

RESPONDENTS:
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1) **KODUNGALLUR MUNICIPALITY,**
REP: BY ITS SECRETARY, KODUNGALLUR.

2) **SECRETARY, KODUNGALLUR MUNICIPALITY,**
KODUNGALLUR.

BY ADV. SRI.GEORGE JACOB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Order on CMP.No.7213 of 1999 in OP.No.4213 of 1999-B.

DISMISSED.

14..9..2007. **Sd/- T.R.Ramachandran Nair, Judge.**

Petitioners' Exhibits:-

P1: **Copy of the receipt issued by the respondents evidencing payment of the permit fee dtd.17.3.1998.**

P2: **Copy of the plan submitted by the petitioners 1 & 2 dtd.17.3.1998.**

P3: **Copy of the plan submitted by petitioners 1 & 2 dtd.17.3.1998.**

P4: **Copy of the sketch submitted by the Taluk Surveyor dtd.21.6.1996.**

P5: **Copy of the notice issued by the 2nd respondent dtd.21.4.1998.**

P5(a): **Copy of English Translation of Ext.P5 dtd.21.4.1998.**

P6: **Copy of the receipt evidencing remittance of sketch fee dtd.1.9.1998.**

P6(a): **Copy of the sketch dtd.1.9.1998.**

P6(b): **Copy of the mahazar dtd.1.9.1998.**

P6(bb): **Copy of the English Translation of Ext.P6(b) dtd.1.9.1998.**

P7: **Copy of the receipt evidencing payment of permit fee dtd.14.7.1998.**

P7(a): **Copy of the sketch dated 14.7.1998.**

P8: **Copy of notice issued by respondents to the petitioner dtd.18.8.1998.**

P8(a): **Copy of English Translation of Ext.P8 dated 18.8.1998.**

P9: **Copy of the sketch dated 1.9.1998.**

P9(a): **Copy of the Mahazar dated 1.9.1998.**

P9(aa): **Copy of English translation of Ext.P9(a) dtd.1.9.1998.**

P10: **Copy of the representation submitted by the 3rd petitioner to the Municipal Engineer dtd.9.9.1998.**

P10(a): Copy of English translation of Ext.P10, dtd.9.9.1998.

P11: Copy of the notice of the Municipality and true English translation dated 29.7.1999.

P12: Copy of the reply submitted by petitioners 1 and 2 before the 2nd respondent dated 31.7.1999.

P13: Copy of the notice issued by the 2nd respondent to the petitioners and its English translation, dtd.1.9.1999.

P14: Copy of the reply submitted by the petitioners to the 2nd respondent dated 18.9.1999.

P15: Copy of the sanction order issued to the 3rd petitioner by the 2nd respondent and its English translation, dtd.24.9.1999.

P16: Copy of the reply submitted by the 3rd petitioner to the 2nd respondent dated nil.

<u>Respondents' Exhibits</u>:-

R2(a): Copy of the notice dtd.1.9.1999 communicated to the petitioners 1 and 2 by the 2nd respondent.

English translation of Ext.R2(a).

R2(b): Copy of the communication dtd.24.9.1999 granting permission to the 3rd petitioner.

English translation of Ext.R2(b).

(true copy)

P.S. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 4213 of 1999-B.

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Dated this the 14th day of September, 2007.

J U D G M E N T

The dispute in this case relates to the construction of a compound wall. The respondent Municipality has issued certain directions regarding the manner in which the compound wall has to be constructed. The petitioner has got an effective remedy to approach the competent Tribunal constituted under the Act to challenge the same. Learned counsel for the petitioners sought leave to move the Tribunal. If the petitioner files an appeal within six weeks from today before the Tribunal, the same shall be entertained and considered on merits in accordance with law.

The Original Petition is disposed of as above. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-